



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-1370 FAX (603) 271-1381



February 20, 2002

Ms. Debra Shackett
Town Administrator
Town of Bristol
230 Lake Street
Bristol, New Hampshire 03222

CERTIFIED MAIL (7099 3400 0003 0687 4176)
RETURN-RECEIPT REQUESTED
LETTER OF DEFICIENCY
No. ARD 2002-001

RE: Open Burning of Non-Conforming Materials

Dear Ms. Shackett:

On July 26, 2000, June 27, 2001, and October 29, 2001, the New Hampshire Department of Environmental Services, Air Resources Division ("DES"), performed inspections at the Bristol Solid Waste Transfer Station ("Facility") located at 175 Ayers Island Road in Bristol, NH. The purpose of the inspections was to determine compliance with the NH Admin. Rules Env-A 100-3600, specifically, Env-A 1000, Prevention, Abatement, and Control of Open Source Air Pollution, and Authorization to Burn Brush and Untreated Wood, PIP No. 5895 ("PIP No. 5895") which authorizes the Town of Bristol to operate a municipal burn site for untreated wood and brush.

At the time of the July 26, 2000 visit, the DES inspector observed the following non-conforming materials in the burn pile: plywood, painted wood, pressure treated wood and chip board.

On August 28, 2000, DES sent a letter to the Bristol Board of Selectmen outlining the results of the July 26, 2000 inspection and DES's concern regarding the non-conforming material observed at the burn site. The letter also included a list of materials that can be burned in accordance with Env-A 1000 and as authorized by PIP No. 5895. Lastly, the letter outlined several ways to prevent non-conforming material from entering the burn area.

At the time of the June 27, 2001 inspection, the Facility was found to be in compliance.

During the October 29, 2001 inspection, the DES inspector again observed non-conforming materials in the burn pile, including: charred plywood, brush over 5" in diameter, and the charred remains of a burned tire.

Based upon these findings, DES has determined that the Facility has been operating in violation of Env-A 1001.04(a)(2), Division Authorization for Certain Open Burning, and Condition 2 of PIP No. 5895, and Env-A 1001.05, Absolute Prohibition Against Burning Tires and Tubes. Env-A 1001.04(a)(2) restricts any city or town from burning anything except brush or untreated wood. Condition 2 of PIP No. 5895 requires all burning to be conducted in accordance with the requirements of Env-A 1000 and states that only brush and untreated wood, as defined below, shall be accepted and treated at the burn site:

- a. Env-A 101.54 defines **Brush** as "tree tops, limbs, saplings and tree cuttings, to include attached leaves, which are five (5) inches in diameter or less"; and
- b. Env-A 101.286 defines **Untreated wood** as "timber, board or sawn dimensional lumber, which has not been treated, coated or preserved. This term does not include any manufactured building material, such as plywood or wafer board."

Env-A 1001.05, provides that "no tires, tubes or any portion thereof shall be burned in the ambient air at any place in the state for any reason" and that "tires, tubes or any portion thereof which are received at any dump shall be separated from the waste and disposed of by a feasible means other than open burning".

DES believes that the above-referenced deficiencies can be resolved if the Facility adheres to the following procedures:

Burn only brush and untreated wood as described in PIP No. 5895, Env-A 101.54 and Env-A 101.286. Separate materials that do not meet the specifications of Condition 2 of PIP No. 5895, Env-A 101.54 and Env-A 101.286 from the burn area; and

- 2 Submit a written statement to DES within ten (10) days of receipt of this Letter of Deficiency attesting that if open burning activities continue, they will be conducted in accordance with PIP No. 5895 and Env-A 1000.

Attached is a copy of PIP No. 5895, Env-A 101.54, Env-A 101.286 and Env-A 1000 for your reference. Please submit the requested information, within the specified time frame, to the following address:

Mr. Joseph Ritz, Enforcement Specialist
New Hampshire Department of Environmental Services
Air Resources Division, Compliance Bureau
6 Hazen Drive, P.O. Box 95
Concord, NH 03302-0095

In the event compliance is not achieved within the specified time frame, DES may initiate formal action, including issuing an order requiring the deficiencies to be corrected and/or referring this matter to the NH Department of Justice for civil and/or criminal penalties. DES reserves the right to pursue administrative fines for the violations noted above.

If you have any questions concerning this Letter of Deficiency, please contact Mr. Joseph Ritz, Compliance Bureau, Air Resources Division, at (603) 271-1391.

Sincerely,



Pamela G. Monroe
Compliance Bureau Administrator
Air Resources Division

PGM/jwr

Enclosure: PIP No. 5895, Env-A 101.54, Env-A 101.286 and Env-A 1000

cc: K. A. Colburn, DES O/C
G. Rule, DES O/C
T. McCusker, EPA, Region
R. Reed, DES WMD